

Connie Heitman, RN
7/15/2021

Angela Malcich v. St. Louis County, et al.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANGELA MALCICH,)
)
Plaintiff,)
)
vs.) No. 4:20-CV-01030
)
ST. LOUIS COUNTY, et)
al.,)
)
Defendants.)

DEPOSITION OF CONNIE HEITMAN, RN
Taken on behalf of the Plaintiff
July 15, 2021

DEBRA S. KAESBERG, CSR, CCR, RPR

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1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MISSOURI
2 EASTERN DIVISION

3 ANGELA MALCICH,)
4)
5 Plaintiff,)
6)
7 vs.) No. 4:20-CV-01030
8)
9 ST. LOUIS COUNTY, et)
10 al.,)
11)
12 Defendants.)

13 DEPOSITION OF CONNIE HEITMAN, RN,
14 produced, sworn, and examined on behalf of the
15 Plaintiff, July 15, 2021, between the hours of
16 2:06 p.m. and 4:08 p.m. of that day, at the
17 offices of Pleban & Petruska Law, LLC, 2010 South
18 Big Bend Boulevard, St. Louis, Missouri, before
19 DEBRA S. KAESBERG, a Registered Professional
20 Reporter and a Certified Court Reporter within
21 and for the State of Missouri.

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23
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25

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2

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17 (Exhibits retained by Mr. Kates.)

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1 IT IS HEREBY STIPULATED AND AGREED by
2 and between Counsel for the Plaintiff and Counsel
3 for the Defendants that this deposition may be
4 taken in shorthand by DEBRA S. KAESBERG, a
5 Registered Professional Reporter and a Certified
6 Court Reporter, and afterwards transcribed into
7 typewriting, and that the signature of the
8 witness was waived by agreement and consent in my
9 presence.

10

11 

12

13 CONNIE HEITMAN, RN,
14 of lawful age, being produced, sworn, and
15 examined on the part of the Plaintiff, deposes
16 and says:

17

18 DIRECT EXAMINATION

19 BY MR. KATES:

20 Q. Could you please state your name for
21 the record.

22 A. Connie Heitman.

Q. And spell your name too, please.

24 A. C-O-N-N-I-E, H-E-I-T-M-A-N.

25 Q. And where do you currently live?

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1 A. 5568 Winford Drive, St. Louis,
2 Missouri 63129.

3 Q. Okay. Ms. Heitman, have you ever
4 given your deposition before?

5 A. Yes.

6 Q. Okay. How long ago?

7 A. For this case?

8 Q. Ever.

9 A. Ever? This year.

10 Q. Do you remember the approximate month
11 or day?

12 A. No.

13 Q. Okay. Sometime this year.

14 And what was the nature of the
15 deposition?

16 A. Similar to this.

17 Q. Okay. Was that for the John Shy
18 case?

19 A. Yes.

20 Q. Okay. Let's see. Any other
21 depositions other than the -- this current one
22 and the John Shy case?

23 A. Maybe when I was young. I was in a
24 car accident.

25 Q. Okay. Do you know how long ago you

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1 were in the car accident?

2 A. I was like 19.

3 Q. Okay. So --

4 A. We're talking decades.

5 Q. Okay. So it's --

6 MR. DEBEER: Don't age her, Ben.

7 MR. KATES: Say what?

8 MR. DEBEER: Don't age her.

9 A. Don't age me.

10 Q. (By Mr. Kates) I didn't ask --

11 A. Don't even say that.

12 Q. Okay. So you have a recent
13 experience with a deposition, but I'll go over
14 some of the ground rules first. All of our
15 answers have to be taken down verbally, because
16 the court reporter is typing everything that we
17 say. So nods of the head, shakes, yeses --
18 excuse me, uh-huhs or huh-uhs can't be
19 transcribed that easily. So if you could please
20 keep your answers verbalized, okay?

21 A. Okay.

22 Q. If I correct you, it's just to make
23 sure we have a clean record, okay?

24 A. Okay.

25 Q. You understand that you are under

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1 oath today --

2 A. Yes.

3 Q. -- just like in court in front of a
4 judge or a jury, correct?

5 A. Yes.

6 Q. I don't expect to go super long
7 today. I'm sure that will be very happy -- very
8 good news for the other attorneys in here. But
9 if, for whatever reason, you need to take a
10 break, let me know. I will be happy to take a
11 couple minutes.

12 I would just ask that if I have asked
13 a question and you have to take a break, you give
14 an answer before we take a break, okay?

15 A. Okay.

16 Q. If for some reason you don't
17 understand my question and you need me to repeat
18 it, just let me know, and I will be happy to do
19 that, okay?

20 A. Okay.

21 Q. Okay. If I -- if you do give me an
22 answer, is it fair to say that you understood the
23 question that I asked?

24 A. I can't answer for something in the
25 future.

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1 Q. Okay. Fair enough.

2 If you don't understand a question
3 when I ask you one, will you --

4 A. Yes.

5 Q. -- be sure to tell me that you didn't
6 understand something?

7 A. Okay.

8 Q. So are you currently employed?

9 A. Yes.

10 Q. Actually, before I get into all that,
11 let me ask you a question about your preparation.

12 What did you do to prepare for your
13 deposition today?

14 A. I got dressed and came here.

15 Q. Okay. Did you review any documents?

16 A. No.

17 Q. Okay. Did you speak to anyone
18 outside of your attorney?

19 A. No.

20 Q. Okay. Have you ever spoken to
21 anybody about this lawsuit, other than your
22 attorney?

23 A. About the lawsuit? No.

24 Q. Okay. Have you ever discussed the
25 possibility that a lawsuit might be filed with

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1 anyone?

2 A. I don't remember if I did.

3 Q. And to clarify that, after -- as
4 background, we're here to talk about the inmate
5 Daniel Stout who passed away on June 11th, 2019.

6 You understand that, right?

7 A. Yes.

8 Q. Okay. So after Mr. Stout passed away
9 in June of 2019, but before the lawsuit was
10 filed, do you recall having any conversations
11 with anybody about the situation with Mr. Stout?

12 MR. DEBEER: I will object to the
13 form that it's vague, "the situation." Which
14 situations?

15 You can answer, if you understand the
16 question.

17 A. I think we talked to supervisors at
18 work, and --

19 Q. (By Mr. Kates) Okay. Do you
20 remember having any conversations with Janet Duwe
21 about Mr. Stout's death after it took place, but
22 before the lawsuit was filed?

23 A. I don't recall any.

24 Q. Okay. Do you -- and maybe I asked
25 that, and if I did, I apologize. But did you

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1 speak to anybody else about -- other than your
2 supervisors, about Mr. Stout's death?

3 A. I think justice services.

4 Q. Okay. Do you remember approximately
5 when that would have happened?

6 A. No.

7 Q. Okay. And as far as the supervisors,
8 do you remember approximately when you would have
9 spoken with your supervisors about that?

10 A. Usually within a week. They meet
11 with everybody that was working.

12 Q. So are you currently employed now?

13 A. Yes.

14 Q. Where do you work now?

15 A. St. Louis County Department of
16 Health.

17 Q. Okay. And where within the county --
18 within the Department of Health do you work?

19 A. Corrections medicine.

20 Q. Okay. Is this the same role that you
21 were in in June of 2019?

22 A. Yes.

23 Q. Okay. What's your title there?

24 A. Registered nurse.

25 Q. Okay. And prior to working with the

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1 Department of Justice Services at the jail, where
2 did you work?

3 A. Apria Healthcare.

4 Q. And --

5 A. Oh, wait. Wait, no. I think it's --
6 it's no longer -- it's Mercy Jefferson County
7 now, but that's not who owned it then.

8 Q. Okay.

9 A. It was a different -- I worked there
10 for a very short time, and then it was Apria
11 Healthcare before that.

12 Q. Okay. So when did you start with the
13 jail?

14 A. 14, 15 years ago.

15 Q. Okay. And before that, it was Apria
16 Healthcare?

17 A. I think just a few months at the
18 hospital, and then it was Apria Healthcare.

19 Q. Okay. And how long did you work in
20 that capacity?

21 A. At Apria?

22 Q. Yes.

23 A. Probably five, six years.

24 Q. Okay. And that would have preceded
25 your employment with the jail?

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1 A. Yes.

2 Q. Okay.

3 A. Well, I had a short stint with the
4 hospital. I didn't like that job, so I left.

5 Q. Was that in between Apria and the
6 jail?

7 A. Yeah.

8 Q. Okay. After -- as far as your
9 education goes, after high school, you went on to
10 college, right?

11 A. Yes.

12 Q. What was your degree?

13 A. I have a couple. I have a general
14 transfer studies, and then I have an ADN.

15 Q. Say that again?

16 A. ADN.

17 Q. What is an and?

18 A. Associate's degree in nursing.

19 Q. Okay. Anything above the ADN?

20 A. No. I did take -- I think I got to
21 junior level with the BSN, and I just never
22 finished.

23 Q. Okay. As an ADN, you are registered
24 as a registered nurse, right?

25 A. Correct.

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1 Q. Do you have any other specialized
2 certificates or licenses?

3 A. ACLS.

4 Q. And what is ACLS?

5 A. Advanced cardiac life support.

6 Q. Okay.

7 A. BLS. And BLS, which is encompassing
8 that, which is basic life support, which is CPR.

9 Q. Oh, I see. Okay. So it's advanced
10 and basic?

11 A. Yeah.

12 Q. Okay. In 2019 you are aware that
13 before Mr. Stout's death, there were three other
14 deaths at the jail, correct?

15 A. Possibly. I know there was other
16 deaths.

17 Q. Okay.

18 A. I don't know if they're the same ones
19 that you're incurring.

20 Q. Okay. So I'll say there is an inmate
21 named Reavis. Do you recall that death?

22 A. Yes.

23 Q. Do you recall John Shy, right?

24 A. Yeah. I testified in --

25 Q. And Lamar Cathings?

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1 A. The name is familiar.

2 Q. Okay. Do you know of any others
3 other than those three? And this is to say
4 before Mr. Stout's death in 2019.

5 MR. DEBEER: You're just asking if
6 any inmates have died in any capacity?

7 MR. KATES: Yeah.

8 A. In 14 years?

9 Q. (By Mr. Kates) No. No. No.
10 My question is: In 2019, before
11 Mr. Stout's death, do you know of any inmates who
12 have died in custody other than those three?

13 A. I'm sure there's been several.

14 Q. Okay. As you sit here today, do you
15 recall the names of any of those inmates?

16 A. No.

17 Q. Okay. Are any of those inmates'
18 deaths related to not getting medical treatment?

19 MR. DEBEER: I'll object to form of
20 the question. Calls for speculation. Calls for
21 a legal conclusion.

22 You can answer.

23 A. You would have to give me their names
24 and refresh me. I really wouldn't be able to
25 just pull that from air.

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1 Q. (By Mr. Kates) Okay. Okay.

2 Anything stand out in your mind that any other
3 deaths before Mr. Stout's, but in 2019, were
4 related to a lack of medical care?

5 MR. DEBEER: Same objections. Asked
6 and answered.

7 You can answer.

8 THE WITNESS: Oh, okay. I thought I
9 wasn't supposed to answer.

10 MR. DEBEER: You already have, but if
11 you want to answer again.

12 A. Same answer, I guess. It's just you
13 would have to be more specific with me because I
14 can't --

15 Q. Fair enough.

16 A. -- just vaguely.

17 Q. Do you -- okay. So we talked about
18 Mr. Reavis is one of those deaths that you're
19 aware of, right?

20 A. Yes.

21 Q. Okay. Do you, as you sit here today,
22 independently know if you had any interaction
23 with Mr. Reavis on the day he died?

24 A. No, I don't think I did.

25 Q. Okay.

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1 A. I wasn't his nurse.

2 Q. Okay. What about Mr. Shy? He died
3 on February 23rd, 2019.

4 Did you have any interaction with him
5 on that day?

6 A. The day he died, no. I was his first
7 nurse he saw for that complaint, and called the
8 provider. And, actually, another -- I worked
9 with Janet Duwe, and together we got the provider
10 to send him to the hospital for the first time.

11 Q. Okay. Do you know when, in
12 proximity, that would have been in relation to
13 the day he died? Was that the day before or
14 further than that?

15 A. When I left, I was under the
16 impression -- I did a sick call, and I went up to
17 see him. He was transferred to the infirmary. I
18 didn't agree with that. I told Janet, Get him
19 out to the hospital, we're going to call again
20 until he goes out to the hospital. Even if I had
21 to wake the director up, because I knew there was
22 something going on.

23 And so we got them to send him out to
24 the hospital. I went back to my location in the
25 jail, and from what I understood, he had went out

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1 to the hospital, which he did. And I went home,
2 because I work nights. When I came back, he was
3 dead.

4 Q. Okay. Were you working the next day?

5 A. Yes, I was. I work nightshift.

6 Q. Okay. Fair enough.

7 And you were ultimately sued in his
8 lawsuit, right?

9 A. Yes. And I was dismissed.

10 Q. Okay. Do you -- as far as that
11 lawsuit, what's your understanding -- strike
12 that.

13 When you saw Mr. Shy, he was
14 complaining of stomach pains to you, wasn't he?

15 A. Yes.

16 MR. DEBEER: I'm going to object --

17 MS. ROBERTSON: I'm going to --

18 MR. DEBEER: Go ahead.

19 MS. ROBERTSON: I'm going to object
20 that this violates Mr. Shy's HIPAA protected
21 information and it's confidential.

22 MR. DEBEER: I'll also object that it
23 lacks foundation and calls for speculation.

24 MR. BANKS: And I will also object
25 because it's irrelevant and immaterial.

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1 MR. PLEBAN: Oh.

2 MR. DEBEER: Here we go.

3 MR. PLEBAN: Look at that, the three
4 amigos with objections.

5 MR. KATES: Well, I'm not going to
6 tell you what to do.

7 MR. DEBEER: You can answer the
8 question.

9 A. Okay. Repeat the question, because
10 now I've forgotten it.

11 MR. DEBEER: Unless I tell you not to
12 answer, you can answer. Just wait until everyone
13 is done objecting.

14 MS. ROBERTSON: Ben, just so we don't
15 interrupt, can we have a running objection for
16 any further questions on that? The same rule as
17 the other depositions, an objection by one is an
18 objection for all?

19 MR. KATES: Just so it's on the
20 record, that's fine.

21 Okay. Can we go back a couple
22 seconds and repeat my question?

23 (Discussion off the record.)

24 MR. DEBEER: Ben, you are in
25 agreement that the running objection, the

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1 objections that defense counsel just made to your
2 question about Mr. Shy, apply to questions about
3 the three prior inmates that you referred to
4 before: Reavis, Shy, Cathings?

5 MR. KATES: Yes.

6 MS. ROBERTSON: Or any other inmate
7 that comes up, anybody's medical history or
8 diagnoses?

9 MR. KATES: Yes.

10 Now, could you please read back my
11 last question to the witness.

12 (Whereupon the reporter read back the
13 requested portion of testimony.)

14 A. Yes.

15 Q. (By Mr. Kates) Okay. When he gave
16 you those complaints, did you do a physical
17 assessment?

18 A. Yes.

19 Q. Okay. And what did that physical
20 assessment consist of?

21 A. I did vitals. I listened to his
22 abdomen. I pushed on his abdomen. I took a
23 history and called the provider, and called the
24 medical provider.

25 Q. Okay. Did anything from his vitals

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1 give you any indication of symptoms? Why did you
2 take his vitals -- strike that. That's a
3 compound question.

4 Why did you take his vitals?

5 A. Generally, that's what we do. If
6 somebody has something wrong, you want to get a
7 good set of vitals to give those to the doctor.
8 That's part of your assessment.

9 Q. Why did you listen to his stomach?

10 A. For bowel sounds, anything abnormal.

11 Q. And why did you push on his stomach?

12 A. To see if he had any rebound
13 tenderness or pain with palpation.

14 Q. What types of bowel sounds are
15 considered abnormal to you?

16 A. Absent, none. You can have
17 hyperactive.

18 Q. What's --

19 A. Hearing some in one area but not the
20 other, with certain symptoms, can be abnormal. I
21 mean, it's just a whole chapter in a book.

22 Q. What is hyperactive?

23 A. Too fast. You're hearing too much,
24 too fast.

25 Q. Are you familiar with hypoactive

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1 bowel sounds?

2 A. Yes.

3 Q. What is that?

4 A. That's the opposite of hyper. It's
5 too little, not enough.

6 Q. Okay. And when you're saying "not
7 enough," not enough what?

8 A. Bowel sounds. They're not -- when
9 they contract, they make sounds, things move
10 through, you hear that.

11 Q. Okay.

12 A. So it means they're not moving that
13 much.

14 Q. Okay. So --

15 A. As opposed to moving normal or too
16 fast.

17 Q. I see. So hypo means they're moving
18 too slowly, right?

19 A. Yeah.

20 Q. So the bowels are moving too slowly,
21 right?

22 A. Yeah. You're not hearing what would
23 be a normal.

24 Q. And hyperactive means they're moving
25 too fast?

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1 A. Too much, yeah.

2 Q. Too much, okay.

3 As far as pushing on his stomach, you
4 said you're looking for rebound. What is -- what
5 about the rebound is it that you're looking for?

6 A. Okay. So rebound tenderness is when
7 you palpate or push in on his stomach. Normally
8 it should hurt -- it could not hurt or can hurt
9 when you push in, depending on what their
10 symptoms are. But when you release, if it gets
11 worse and does not -- the pain does not improve
12 or go away, then that is what we consider rebound
13 tenderness.

14 Q. Okay. As far as pain with palpation,
15 are you looking for continued -- continued pain
16 when you finish palpating?

17 A. Whatever they present with.

18 Q. Okay.

19 A. I mean, it's just part of the
20 assessment.

21 Q. Okay.

22 A. I'm not getting what you're asking, I
23 guess.

24 Q. If -- if you do have those rebound
25 tenderness, does that require hospitalization?

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1 A. That would require us calling a
2 doctor, and them making a -- generally they do
3 send them out for further evaluation.

4 Q. Okay. Is there -- is there a doctor
5 on call at the jail 24/7?

6 A. Yes.

7 Q. Okay.

8 A. Or a nurse practitioner or -- it's a
9 medical provider on call.

10 Q. Okay. What about guarding? Do you
11 look for guarding?

12 A. Yes.

13 Q. And what is guarding?

14 A. Guarding is like -- like if I would
15 push on somebody's stomach and they would kind of
16 like react to it, pull away, kind of move your
17 hands.

18 Q. Okay. And if they --

19 A. Or hold. You know, they could be
20 bracing the area.

21 Q. If they demonstrate signs of
22 guarding, does that require hospitalization?

23 A. Not necessarily.

24 Q. Okay.

25 A. It's a full assessment that you do,

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1 you give to the provider. And I don't determine
2 hospitalization. That's the provider.

3 Q. But it would require a call to the
4 provider?

5 A. Yes.

6 Q. Okay.

7 MR. DEBEER: Wait. I'm -- that
8 assumes facts not in evidence. Are you talking
9 about guarding?

10 MR. KATES: I'm asking about
11 guarding.

12 MR. DEBEER: Okay. That's my
13 objection.

14 (Discussion off the record.)

15 MR. KATES: Back on the record.

16 Q. (By Mr. Kates) Are you aware of
17 what -- are you aware of what peritonitis is?

18 A. Yes.

19 Q. Is guarding a sign of peritonitis?

20 A. It could be.

21 Q. Okay.

22 A. It could be something totally
23 different. Gas. It could be anything.

24 Q. Is rebounding a sign of peritonitis?

25 A. Yes.

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1 Q. Is pain with palpation a sign of
2 peritonitis?

3 A. By itself, no -- I mean, pain with
4 palpation is pain with palpation. But in the
5 clinical picture of all the symptoms put
6 together, yes.

7 Does that make sense to you?

8 Q. It's one of the factors that you look
9 for?

10 A. Yeah. It's something that we would
11 look at.

12 Q. Okay. Let me get this out real
13 quick.

14 It's one of the factors that, taken
15 as a whole, is a sign that could give an
16 indication of peritonitis?

17 A. Possibly, yes.

18 Q. Are you aware that peritonitis can
19 lead to death?

20 A. Yes.

21 Q. And signs of peritonitis would
22 require an inmate to go to the hospital
23 immediately?

24 A. We would call the provider, and they
25 would make that determination.

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1 Q. Is the provider on-site at the jail?

2 A. Now they are.

3 Q. Back in 2019?

4 A. I don't believe so.

5 Q. Okay. So who would -- strike that.

6 Is there a list of providers that
7 you're supposed to call?

8 A. We have an on-call provider --

9 Q. Okay.

10 A. -- for that each day, that we would
11 call.

12 Q. So -- okay. So in 20 -- in June
13 of 2019, Monday's provider might be different
14 from a Tuesday's provider?

15 A. Correct.

16 Q. They are just on a weekly rotation
17 and they --

18 A. Daily, yeah, whatever the schedule
19 is.

20 Q. Okay. But they're -- where are they
21 located out of? Are they -- strike that.

22 Are they at a specific hospital?

23 A. Okay. So they're our providers.

24 Q. Okay.

25 A. They do come in and see patients in

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1 the clinic during the day hours, back then. It's
2 a little bit different now. We have 24-hour
3 providers in site. They do sleep at night, and
4 we do wake them up and can call them to come see
5 people. So now we have an on-call 24/7.

6 Q. Okay.

7 A. That I can, Hey, come look at this
8 person, or I can call.

9 Q. But -- and I think I missed it. Back
10 in 2019, were they on-site or were they off-site?

11 A. It depends on the time of the day.

12 Q. Okay. What hours were they on-site?

13 A. They have a schedule. I work nights,
14 so they wouldn't have been at night.

15 Q. Okay.

16 A. Does that help you?

17 Q. Yes. Does -- do you know when
18 they --

19 A. Generally day shift-ish hours.

20 Q. Okay. So at nightshift, they
21 wouldn't have been on-site?

22 A. Correct.

23 Q. Okay. So you would have had to call
24 out to them --

25 A. Yes.

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1 Q. -- in 2019?

2 Okay. Are you aware of what

3 Mr. Reavis's complaints were?

4 A. No, not -- I mean, generally, no. I
5 mean, it's -- I know what he died of, supposedly,
6 but I wasn't involved with that case. So --

7 Q. Okay.

8 A. -- it's kind of -- I read the
9 media --

10 Q. Okay.

11 A. -- reports.

12 Q. Back to Mr. Shy. You did your
13 assessment on him, and you arranged for him to
14 get to the hospital, right?

15 A. Yes.

16 Q. Okay. You leave your shift. And
17 when you come back, you learned that he died,
18 right?

19 A. Yeah.

20 Q. What's your understanding of what he
21 died from?

22 A. From what I understand, he bled out.
23 Some sort of rare condition. They really
24 couldn't figure out where from.

25 Q. Okay.

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1 A. It was nothing clinically evident of
2 where he bled from.

3 Q. And when did you -- did you learn
4 about that cause of death the next day when you
5 arrived at work?

6 A. When I arrived at work, I was
7 downstairs and I got called up to the infirmary,
8 because the person that was coming in was going
9 to be late.

10 Q. Uh-huh.

11 A. She was covering a -- she was one of
12 our clinic nurses outside of our building. And
13 she was coming in to help, but she couldn't come
14 in till like midnight or so. And there was a lot
15 going on, and I didn't know what was going on.

16 And Janet Duwe said to me, Can you
17 just come up? There's a lot going on up here, I
18 need another person up here. Because I was
19 working down at intake.

20 Q. Okay.

21 A. And so I came up. And when I came
22 up, he was on the floor and had been deceased.

23 Q. He physically was still there?

24 A. Yes.

25 Q. Okay.

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1 A. The police were there, and I think
2 the coroners, or somebody from the corners came
3 in.

4 Q. Was it prior to Mr. Stout's death
5 that you learned that Mr. Shy purportedly died of
6 bleeding out from a rare condition?

7 A. I don't remember when.

8 Q. Okay.

9 A. But it was kind of obvious. There
10 was blood.

11 Q. Lamar Cathings was the other inmate
12 that we mentioned earlier. He passed away on
13 March 1st, 2019.

14 Did you have any interaction on the
15 day of his death with him?

16 A. I do not recall. I may -- at night
17 we're part of a code team. So I may have
18 responded if it was during my shift. But as far
19 as triaging or caring for him, no, I was not part
20 of -- while he was alive.

21 Q. Okay. Do you have any understanding
22 of what the cause of his death was?

23 A. No.

24 Q. And we kind of touched on it already,
25 but I want to just specifically ask these

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1 questions.

2 As a nurse at the jail, you have --
3 you -- part of your job duties include seeing
4 sick patients, right?

5 A. Yes.

6 Q. Okay. And those sick patients
7 include the inmates?

8 A. That's generally who they are, yes.

9 Q. And, obviously, the inmates
10 themselves, because they're incarcerated, are
11 restricted in their ability to contact medical
12 providers on their own for any illnesses or
13 injuries that they might have, correct?

14 MR. DEBEER: Objection. Lacks
15 foundation. Calls for speculation.

16 A. Okay. Can you clarify, inside help
17 or outside help?

18 Q. (By Mr. Kates) Well, the inmate
19 can't call the doctor himself, can he?

20 A. Our doctor?

21 Q. Any doctor.

22 A. Well, they can call -- if they have
23 phone privileges, they can call somebody. We've
24 had doctors come up there to see them. It's
25 usually arranged through their attorneys or

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1 whatever. But they can ask for help through a
2 corrections officer.

3 Q. Okay.

4 A. And then the nurse would come up and
5 then steps would --

6 Q. Okay. But they can't physically go
7 to a hospital on their own, right?

8 A. No.

9 Q. Okay. And when they do reach out for
10 help to get a corrections officer or a nurse to
11 treat them for any illness or injury that they
12 might have, you, as the nurse, have to act in
13 their best interest, right?

14 A. Do my nursing duty.

15 Q. Right.

16 As far as your job goes with calls
17 for sick inmates, right --

18 A. Uh-huh.

19 Q. -- you have an obligation to treat
20 the sick inmates, right?

21 A. If -- if I feel they need to be
22 treated, and it's within my scope. I would call
23 a doctor if I couldn't treat them.

24 Q. Okay.

25 A. You know, if -- if it's appropriate.

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1 Q. In order to determine whether or not
2 they have an illness or injury that needs to be
3 seen by a doctor, you need to actually physically
4 see the patient and do an assessment on them,
5 right?

6 A. That's generally what I do, yes.

7 Q. Okay. And if you get a call about a
8 sick inmate who has complaints, you have to go up
9 and see them, right?

10 A. I do go see them when they call.

11 Q. Right.

12 So you have an obligation to go and
13 see them. You don't just pick and choose which
14 inmates you get to go see and which ones you
15 don't go out to see, right?

16 MR. DEBEER: Objection.

17 Argumentative. Lacks foundation.

18 You can answer.

19 A. There are occasions with certain
20 complaints from -- that we know the patient has
21 been seen and treated, that we can -- depending
22 on what time of day, we can hold off.

23 Like, say, the patient's been
24 complaining of a dental abscess and they've been
25 given their medications and they're still saying

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1 I'm still having pain. If I don't have time to
2 go see them and I have something more urgent
3 pressing, then I may not. And they put them off
4 till, depending what time of day it is and how
5 much time I have left on my shift, they may be
6 seen by the next nurse. But generally I go up
7 and see them, for the most part.

8 Q. And to make that determination, you
9 pull up the inmate's file, right?

10 A. I would be given the name, date of
11 birth, and their complaint, yes.

12 Q. And then you look at their file,
13 right?

14 A. Yes.

15 Q. Okay. And you'd check to see what
16 their history is, right?

17 A. Yeah.

18 Q. And based on their history, you make
19 a determination of whether it's something that
20 needs your physical appearance and assessment
21 immediately, or whether you can push it off to
22 another nurse?

23 A. Well, I don't always try to push it
24 off. I try to go up and see them. But you can't
25 be in multiple places at multiple times, and you

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1 don't have -- like if you're at the end of your
2 shift and I have something, like, a chest pain
3 pressing as far as a dental pain, I'm going to
4 see the chest pain, and then triage that to the
5 morning nurse. But, generally, yeah, I do go up
6 and see them.

7 Q. Generally -- okay. Strike that.

8 As far as June 11th -- June 10th to
9 the 11th, 2019, what part of the jail were you
10 working at that night?

11 A. Umm, I believe it was intake, on the
12 open seating side.

13 Q. Where are the other locations within
14 the jail that the nursing staff work?

15 A. Intake LEL, infirmary. On
16 nightshift, those are the places.

17 Q. You said intake, LEO --

18 A. The intake LEL side, or -- that's
19 when they first come in. They see a nurse, and
20 then they go to the other side and there's a
21 nurse on the other side. I was working on the
22 open seating on the other side area.

23 Q. Okay. And I'm just going to ask you
24 for clarification. So you said intake LEL.

25 A. Yeah. Law enforcement lobby --

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1 Q. Are they --

2 A. -- is the spelling.

3 Q. So are they lumped together? Like
4 it's identified as intake/LEL.

5 A. Right. There's two sides of intake.

6 Q. Okay.

7 A. There's when you first come in, you
8 see a nurse. And then -- then once they're
9 accepted into the jail by that nurse, then they
10 go to the other side, which is the open seating.

11 Q. Okay.

12 A. And that's where I was working.

13 Q. Okay. And other than intake and open
14 seating, where else is there within the jail?

15 A. The infirmary. You have a medical
16 and sick side. On nightshift, that's it.

17 Q. Just those three different locations?

18 A. Well, really, yeah, at night.

19 Because that's -- the clinic's closed down.

20 The -- there's no one in the med room at night.

21 Q. Okay.

22 A. Overnights, I should say, for you
23 guys.

24 Q. There's documentation that you were
25 training Janet Duwe that evening.

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1 A. I was training her.

2 Q. Do you recall that?

3 A. Yeah. I was training her on how to
4 use the computer to do the floor assessment,
5 which is what we do on the open seating side, and
6 the procedures for doing the floor assessment.

7 Q. Okay. What were the hours that you
8 were working those days?

9 A. Around 10:00 -- they may have
10 switched a little bit. Around 10:30 to 7:00.

11 Q. Was it exhausting training Janet that
12 night?

13 A. Training for me is always exhausting.

14 Q. Do you train others -- other nurses
15 often?

16 A. Occasionally. It's not my
17 preference.

18 Q. Did you consider yourself stressed
19 after training Janet that night?

20 A. Possibly.

21 Q. Did Janet appear to you that she was
22 stressed that night?

23 A. It's -- stress is an internal factor,
24 so it's --

25 Q. Did she show any signs to you that

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1 she might be stressed?

2 A. Can you tell me what signs that you
3 would --

4 Q. I'm just asking for your input as to
5 the situation.

6 MR. DEBEER: Yeah. I'll just object
7 that it calls for an expert opinion. It calls
8 for her to speculate.

9 A. Stress is an internal stimuli. So
10 you need to tell me what you feel is signs of
11 stress.

12 Q. (By Mr. Kates) Well, I'm asking you
13 what your perception was that night. We have --
14 we have the internal affairs report, which is
15 Exhibit 6 in this case. And I'll turn the page
16 to --

17 A. I can say she was having difficulty
18 processing the information I was giving her.

19 Q. Okay.

20 A. Because it was newer to her. She had
21 it before, but it was different.

22 Q. Okay. So what did you notice about
23 how she was reacting that gave you the impression
24 that she was having difficulty in processing the
25 information.

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1 A. I guess trying to figure out
2 everything in the computer, maybe. I don't --
3 it's been a while, so it's hard for me to say. I
4 just remember she was having difficulty with the
5 process.

6 Q. Okay. So let's get to the phone call
7 that came in that night. You recall that phone
8 call came in that asked -- oh, okay.

9 As far as --

10 MR. DEBEER: I was going to let that
11 slide.

12 MR. PLEBAN: I wasn't.

13 MR. DEBEER: Thank you, J.C.

14 MR. PLEBAN: You're welcome.

15 Q. (By Mr. Kates) Do you remember a
16 phone call coming in the morning of June 11th,
17 2019, specifically related to a sick inmate?

18 A. No. Because I wasn't told of any
19 sick inmate.

20 Q. Okay. As far as this case goes, you
21 are aware that a phone call came in that Janet
22 answered --

23 A. Yes.

24 Q. -- the morning of June 11th, 2019,
25 correct?

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1 A. Yes.

2 Q. Okay. How did you become aware of
3 that phone call?

4 A. I was sitting in the room behind her,
5 and she was up here by the computer on the phone.

6 Q. Did you hear the phone ring?

7 A. A little bit, yes.

8 Q. Okay. And Janet came to talk to you
9 about the phone call, right?

10 A. She had some just strange questions.

11 Q. What did she -- what questions did
12 she have?

13 A. Something about -- I don't remember
14 exactly what it was. Something about movement of
15 an inmate, and I just told her I didn't
16 understand what she was asking.

17 Q. Okay. Did you ever learn
18 specifically what she was asking?

19 A. Not until the next day when --

20 Q. Okay. So what did you say in
21 response to Janet when she said something about
22 moving a patient -- an inmate?

23 A. I don't remember.

24 Q. Was there any further dialog between
25 you and Janet about the phone call?

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1 A. I don't remember.

2 Q. Did you ask for any specific
3 information about the movement that she was
4 asking about?

5 A. I may have asked her to clarify what
6 she was saying, because I didn't understand it.

7 Q. Did she ever clarify?

8 A. I don't know. I don't remember the
9 conversation totally.

10 Q. Did she say anything to you about a
11 patient that -- an inmate that had vomited?

12 A. No.

13 Q. She never told you anything about an
14 inmate that vomited?

15 A. No.

16 Q. And did you --

17 A. I think there was a question, if an
18 inmate vomits, can they go to prison? And I was,
19 like, they could.

20 Q. So she did say something about
21 somebody vomiting?

22 A. No. She said hypothetically. She
23 was asking a question.

24 MR. DEBEER: I think the disconnect
25 here is, I think she's interpreting your question

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1 as asking about a particular inmate.

2 A. There was no particular inmate.

3 MR. DEBEER: Does that make -- I'm
4 not trying to mess up your question.

5 A. No.

6 MR. DEBEER: I'm just trying to
7 broker down her understanding.

8 A. I think it was like an informational
9 thing.

10 Q. (By Mr. Kates) I want to know the
11 words that Janet said to you.

12 A. I don't remember.

13 Q. Okay. But you recall specifically
14 that it had to do with vomiting?

15 A. Not at first. I think -- I think she
16 went back on the phone, and then she said, So in
17 a situation, or something, if this happens. And
18 I said, Well, I don't know. It's possible.

19 Q. Okay. So as you sit here today,
20 what's your recollection of what her hypothetical
21 was that you two discussed?

22 A. I don't remember totally what it was.
23 I just remember that it was something like, you
24 know, they want to know if an inmate vomits, can
25 they go to prison?

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1 And I said, Well, maybe, it's not
2 going to stop them. But, I said, you know, They
3 vomit all the time when they go to prison,
4 because they're withdrawing. That's just a sign
5 of withdrawal, period.

6 And she's like -- I said, Well, what
7 is this? And she's, like, I don't know, they
8 just want information, something to that effect.

9 Q. Okay. Information regarding an
10 inmate that vomited?

11 A. Not an inmate. In general. Just
12 information in general. Like can they, if they.

13 Q. Who's "they"?

14 A. I guess it was the person on the
15 other end of the phone. You would have to ask
16 Janet, because I didn't talk to them.

17 MR. PLEBAN: Could you wait for just
18 two seconds?

19 MR. DEBEER: Sure.

20 (Whereupon a short recess was taken
21 at 2:47 p.m. and resumed at 2:53 p.m.)

22 MR. KATES: Okay. We'll go back on
23 the record.

24 Q. (By Mr. Kates) Janet -- Janet --
25 Ms. Heitman, after -- strike that.

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1 Do you remember speaking to internal
2 affairs about Mr. Stout's death?

3 A. Vaguely.

4 Q. Okay. Do you remember you provided
5 them a statement, correct?

6 A. Vaguely.

7 Q. Okay. I'll hand you Exhibit 6, all
8 right? It's open to page 10. Take a look at
9 that for me, please. Second paragraph -- or the
10 first full paragraph is specifically what I'm
11 looking at. I want to know if that's a statement
12 that you provided to IA. So take your time and
13 take a look at it.

14 MR. DEBEER: Yeah. And I was going
15 to say, Connie, turn to the prior page. Since
16 she has not looked at this, I just want to make
17 sure that she is able to look at the entirety of
18 it.

19 Q. (By Mr. Kates) The page before has
20 your name underlined in bold down at the bottom.

21 A. I don't remember exactly what I
22 wrote, so --

23 Q. Feel free to read it. First -- or
24 first -- I'm sorry. I believe it's the second
25 full paragraph is in quotations. So go ahead and

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1 take a look at that for me.

2 MR. DEBEER: Just so we're clear,

3 you're not saying she wrote this?

4 MR. KATES: I'm going to find out.

5 MR. DEBEER: You're asking her if she
6 physically wrote this?

7 Q. (By Mr. Kates) Take a look at that,
8 and I'll ask a question and we can get it all
9 sorted out.

10 (Whereupon an off-the-record
11 discussion was held.)

12 A. Okay.

13 Q. (By Mr. Kates) Okay. So we're on
14 page 10 of Exhibit 6. The very, very, very first
15 paragraph says: Nurse Heitman was working on the
16 intake side on the morning of this incident,
17 submitted the following statement.

18 Did I read that correct?

19 A. Yes.

20 Q. And then the next full paragraph is
21 in quotation marks. Is that paragraph a
22 paragraph that you provided to IA relating to
23 this incident?

24 A. When you say "provided," how?

25 Q. In any way. Did you write it out in

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1 handwriting? Or did you type it up?

2 A. They spoke to me. They spoke to me.

3 I do remember them speaking to me.

4 Q. Did you type up an e-mail statement
5 and send it to anyone?

6 A. I don't know. I don't remember.

7 Q. Did you physically put pen to paper
8 and write something out to give to someone?

9 A. I don't remember.

10 Q. Is it possible that you typed out an
11 e-mail and sent it to someone?

12 MR. DEBEER: Object to form.

13 MR. BANKS: Calls for speculation.

14 A. I don't remember.

15 Q. (By Mr. Kates) Is it possible?

16 MR. DEBEER: Same objection.

17 A. Same answer.

18 Q. (By Mr. Kates) You don't know one
19 way or the other whether -- you don't remember
20 one way or the other whether you did --

21 A. Yeah. It's too long ago to remember
22 if I typed something up or not.

23 Q. Okay. This statement -- this
24 paragraph, second paragraph, second line down
25 reads: Janet asked something like, If someone

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1 vomits, can they be moved?

2 Does that sound similar to the
3 question she asked you on June 11th, 2019?

4 A. Possibly, yeah.

5 Q. And it says: I -- purportedly you --
6 was confused about what she was asking, and asked
7 why they can't be moved?

8 MR. DEBEER: Hold on a second. I'm
9 sorry. Where are you?

10 MR. KATES: Third line down of the
11 second paragraph.

12 MR. DEBEER: Okay. I got you.

13 Q. (By Mr. Kates) I was confused about
14 what she was asking, and asked, why can't they be
15 moved?

16 A. Where it says -- where does it say
17 "I"?

18 Q. Third line down of the second
19 paragraph.

20 MR. DEBEER: That's --

21 A. That's not the same -- are we on the
22 same paragraph?

23 Q. (By Mr. Kates) Right here.

24 A. Oh, we're on the wrong paragraph.

25 Q. Second -- yeah. So the first

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1 paragraph I lumped in as the Nurse Heitman was
2 working.

3 MR. DEBEER: Right. We got you,
4 okay.

5 A. And I was looking down here.

6 Q. (By Mr. Kates) My apologies.

7 A. Sorry.

8 Q. So to clarify, what I was referring
9 to as the second paragraph starts with quotation
10 marks, and says: I did not receive a sick call
11 request for vomiting.

12 Are we at the same spot?

13 A. Okay.

14 Q. Okay. That is what I was asking
15 of -- is that portion, that paragraph, something
16 that you prepared and sent to someone?

17 A. I don't remember.

18 Q. We went through a whole line of
19 questioning, and you didn't know. I want to make
20 sure that we were talking about the same portion
21 of this piece of paper.

22 Is that what you were referring to
23 when I was asking those questions?

24 MR. DEBEER: He's asking --

25 MR. KATES: I can go through and ask

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1 again.

2 MR. DEBEER: Sure. Well, I'm trying
3 to think of how to do it that's --

4 THE WITNESS: What were the
5 questions --

6 MR. DEBEER: -- clean for the record.

7 So we will label this the second
8 paragraph on that page. The first paragraph is
9 just that sentence, right?

10 MR. KATES: Right.

11 MR. DEBEER: So what he's asking you
12 is, you went through a whole line of questioning
13 with him as to whether you remembered either
14 verbally giving a statement, written statement.

15 THE WITNESS: Okay.

16 MR. DEBEER: He's talking about this
17 entire paragraph right here. This second full
18 paragraph on page 10.

19 A. I remember talking just in general to
20 justice services. Other than that, I really
21 don't remember specifically.

22 MR. KATES: Can I go back?

23 MR. DEBEER: Yeah, absolutely.

24 MR. KATES: I want to make sure it's
25 clean.

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1 MR. DEBEER: Yeah, absolutely.

2 MR. PLEBAN: Let's go off the record
3 for a second.

4 (Whereupon an off-the-record
5 discussion was held.)

6 MR. KATES: We're back on the record.

7 Q. (By Mr. Kates) We are on page 10 of
8 Exhibit 6. It's Bates-labeled STLCO000010. I --
9 when I refer to the second paragraph, it starts
10 with quotation marks: I did not receive a sick
11 call request for vomiting. And it continues
12 until the end of the paragraph.

13 Do you remember physically writing or
14 typing --

15 A. No.

16 MR. DEBEER: Wait till he finishes.

17 THE WITNESS: Oh, okay.

18 Q. (By Mr. Kates) Do you remember
19 physically writing or typing that paragraph?

20 A. No. And I wouldn't have put
21 quotation marks in my own words.

22 Q. Understood.

23 MR. DEBEER: Yeah, just answer.

24 A. No.

25 MR. DEBEER: Just answer the

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1 question.

2 A. That's weird.

3 Q. (By Mr. Kates) Do you remember
4 writing out a statement to provide to anyone?

5 A. No.

6 Q. Do you remember sending an e-mailed
7 statement to anyone?

8 A. No.

9 Q. Okay. So in that paragraph that
10 we're referring to as the second paragraph, you
11 mentioned that Janet said to you that: If
12 someone vomits, can they be moved? Third line
13 down.

14 A. Asked something like --

15 MR. DEBEER: Hold on. Is that --
16 what's the question?

17 Q. (By Mr. Kates) I'm asking if Janet
18 asked you something like that. According to this
19 statement, it says: Janet asked something like,
20 if someone vomits, can they be moved?

21 Do you remember Janet asking you a
22 question similar to that?

23 A. Vaguely.

24 Q. Okay. And it even goes on to say: I
25 was confused about what she was asking and asked

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1 why can't they be moved.

2 Do you remember making a statement to
3 Janet similar to that?

4 A. I remember asking for more
5 information because I was confused. It was a
6 weird question.

7 Q. Okay. I'm going down now to the
8 fifth line down. This sentence reads: She said
9 this was informational only. If someone is out
10 of the system and vomited, can they be moved to
11 go to prison?

12 MR. DEBEER: Starting right here and
13 ending -- it's just that sentence right there.

14 A. I -- she probably asked something to
15 that sort. I mean, I don't remember.

16 Q. (By Mr. Kates) Okay. Something to
17 the -- something to the effect that someone is
18 out of your system?

19 A. I don't know what that means.

20 Q. You've never heard anybody say
21 there's someone out of your system with regard to
22 the jail?

23 A. Usually when they're out of the
24 system, they're gone.

25 Q. Okay. What about being moved to

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1 prison? Do you remember Janet mentioning
2 anything like that?

3 A. Vaguely.

4 Q. Okay. So somebody being moved to
5 prison was brought up in the conversation between
6 you and Janet?

7 A. Not somebody, just in general. It
8 was a question in general for information.

9 Q. To your recollection, what was the
10 question?

11 A. Just if somebody vomits, are they --
12 can they be moved? And then I clarified, I
13 think, and asked more questions.

14 And I think she said, Well, if
15 someone vomits, can they be moved to prison?

16 And I was just kind of confused. I'm
17 just like -- and asking for more.

18 And she said, No, this is just for
19 information.

20 And I was kind of like, Well, maybe.
21 It just depends on what's going on, you know.

22 Q. So she was asking about someone being
23 moved to prison after having vomited?

24 A. Not anybody in particular. Just
25 information if it's possible if that could occur.

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1 Q. Okay.

2 MR. KATES: Can you re-read my
3 question to me, and the answer, please.

4 (Whereupon the reporter read back the
5 requested portion of testimony.)

6 Q. (By Mr. Kates) But she was
7 mentioning to you that someone vomited?

8 A. No.

9 Q. She didn't -- she wanted to know if
10 somebody could be moved after vomiting, right?

11 A. She said it was just for information,
12 and this -- like a scenario. If this happens,
13 could they do -- and I was just like, well, I
14 don't know. I mean, that's kind of vague.

15 Q. But the scenario she gave you, vague
16 or not, mentioned someone being moved after
17 vomiting?

18 A. She said --

19 MR. DEBEER: I'm going to object --

20 A. Not for any particular person. Just
21 in general, can a person -- if they vomit, can
22 they go to prison? Does that stop the -- not
23 like a particular person, like a request for help
24 or anything like that. She was just saying, is
25 that -- kind of like does it -- I guess -- you

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1 know, I -- I -- and I was like, well, possibly.
2 I mean, just depends.

3 Q. I'm not asking if she gave you a
4 person's name. I'm not asking if she gave you
5 anybody's status, whether inmate or corrections
6 officer. I'm just specifically asking you if she
7 said, can a person be moved to prison if they
8 vomited?

9 A. I don't know if she said it that way.
10 I mean, she was asking something about movement.
11 And then she was asking, Well, if someone vomits,
12 can they go to prison?

13 And I was like, Well, possibly. It
14 just depends what's going on. And she says it's
15 just informational only.

16 Q. Is it possible she was referring to a
17 corrections officer going to prison?

18 A. A corrections officer?

19 Q. Yeah.

20 A. I don't know. I wasn't on the phone
21 call.

22 Q. Okay. But -- is it possible she was
23 referring to an inmate going to prison after
24 vomiting?

25 A. I don't know. I don't know. She

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1 said it wasn't a -- she said it was just
2 informational only. Like they call all the time
3 for, like, okay, so I have this patient -- I have
4 a patient. If a patient's bottom bunk, bottom
5 tier, with a cellmate, and they also are on
6 seizure precautions, and the cellmate ends for
7 five days for, I guess, withdrawal protocol -- I
8 don't know if you understand that part -- they'll
9 call for some, like, random questions, not
10 related to a particular patient.

11 They're just trying to figure out
12 can, like -- can you drop off the seizure
13 precautions or something like that. And then we
14 have a lot of new people there, so we kind of
15 just tell them, Well, no, you can't drop the
16 seizure precautions off, something like that.
17 And from what I understand, this was just a
18 generalized question. It wasn't --

19 Q. You knew that people were going to
20 prison that day, though, didn't you?

21 A. No.

22 Q. Did they have a mandatory day when
23 inmates are being transferred to MDC?

24 A. I don't -- I do the MDC runs, but
25 they -- they send us notice now. But back then

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1 we didn't do the MDC runs. The floor nurses did.

2 So it's random. Sometimes they have people going
3 to prison, and sometimes they don't.

4 Q. Okay.

5 A. Sometimes they have people coming
6 from prison. So it's, you know -- there's
7 nothing mandatory.

8 Q. Okay. Let's try it this way: I'm
9 going to hand you -- following Mr. Stout's death,
10 you received some discipline, didn't you?

11 MS. ROBERTSON: What did you say,
12 Ben?

13 Q. (By Mr. Kates) You received
14 discipline following Mr. Stout's death, didn't
15 you?

16 A. Can you be more specific?

17 Q. Did you get a suspension after
18 Mr. Stout's death?

19 A. Yes.

20 Q. Okay. Do you consider suspension
21 discipline?

22 A. Yes. I -- I grievanced it and won.

23 Q. Okay. I hand you Exhibit 45.

24 (Whereupon the Reporter marked
25 Plaintiff's Exhibit 45 for identification as

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1 requested.)

2 MR. BANKS: Thank you.

3 MR. DEBEER: Uh-huh.

4 MS. ROBERTSON: Thank you. I have
5 some extra.

6 MR. KATES: I was afraid I
7 short-changed somebody, so I printed off a bunch.

8 Q. (By Mr. Kates) When you get a chance
9 to look over that, let me know when you're
10 finished.

11 A. Okay.

12 Q. Did you have a chance to read
13 Exhibit 45?

14 A. Yeah, I'm just going over it.

15 Q. Okay. Is that the notice of
16 suspension that you received on July 15th, 2019?

17 A. It is a notice of suspension. I
18 don't remember when I received it, but that's --
19 it's dated --

20 Q. It's dated July 15th, 2019. Do you
21 recall receiving that in July 2019, correct?

22 A. Sometime in July.

23 Q. Okay. On page 2, the very, very last
24 bottom line, the sentence starts: Your failure
25 to take the necessary action to respond -- and

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1 then it carries over into the third page -- to a
2 call concerning a sick inmate demonstrated a
3 failure of your duty as the senior nurse and the
4 charge nurse on duty.

5 Did I read that right?

6 A. You read that right, but it is
7 incorrect.

8 Q. The question is: Did I read it
9 right?

10 A. You did read it right.

11 Q. Okay. So based on this document,
12 according to the document, the -- they suspended
13 you for failing to take necessary action to
14 respond to a call concerning a sick inmate,
15 correct?

16 A. And I grievanced it and won.

17 Q. The question is, is based on the
18 document, they suspended you for failing to take
19 the necessary action to respond to a call
20 concerning a sick inmate, correct?

21 A. Yes.

22 Q. Okay. And, in fact, you had been
23 disciplined for that before, right?

24 A. Not that I recall.

25 Q. The second -- that same -- page 3 on

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1 the same document, the first paragraph, three
2 lines down, the sentence reads: You were
3 disciplined in 2013 for failing to provide
4 appropriate medical care for an inmate/patient,
5 receiving a ten-day suspension.

6 Did I read that right?

7 A. You did. But that wasn't exactly
8 what you had said previously.

9 MR. KATES: Okay. Can you read back
10 the question for me?

11 (Whereupon the reporter read back the
12 requested portion of testimony.)

13 Q. (By Mr. Kates) Okay. So in 2013,
14 you received discipline for failing to provide
15 appropriate medical care for an inmate or
16 patient, correct?

17 A. Yes.

18 Q. Okay. Thank you.

19 Did you make -- in response to the
20 2013 discipline, did you make any comments, or
21 did you contest it, indicating that any calls for
22 help were for informational purposes?

23 MR. DEBEER: I'm going to object to
24 the form, to lack of foundation.

25 A. I just don't understand that.

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1 MR. DEBEER: Ambiguous and confusing
2 question.

3 Q. (By Mr. Kates) Let me rephrase the
4 question.

5 A. What's he talking about?

6 Q. In 2013, the call for the -- the
7 medical needs of the inmate, did you make any
8 comments that that call was for information only?

9 MR. DEBEER: Objection. Calls for
10 speculation. Lacks foundation.

11 You can answer, if you can.

12 A. No. It wasn't for informational
13 only.

14 Q. (By Mr. Kates) Okay. You mentioned
15 that -- so that prior call wasn't for information
16 only?

17 A. Are you referring to the 2013?

18 Q. 2013. If that call was not for
19 information, would you agree that you failed to
20 provide the appropriate medical care for the
21 inmate?

22 A. No.

23 Q. Did you contest that?

24 A. I did.

25 Q. Did you succeed?

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1 A. No. Although there was significant
2 protest by one of the people on the board
3 suspecting that a further investigation needed to
4 be done; that the investigation and how they
5 wrote me up was improper.

6 MR. KATES: Okay. I'm going to move
7 to strike the response after the initial answer.

8 Q. (By Mr. Kates) Okay. I'm going to
9 hand you what's Exhibit 46.

10 (Whereupon the Reporter marked
11 Plaintiff's Exhibit 46 for identification as
12 requested.)

13 MR. DEBEER: Thank you.

14 MR. KATES: There's extra, too.

15 MS. ROBERTSON: Okay. Thanks.

16 Q. (By Mr. Kates) Let me know when you
17 had a chance to look it over.

18 A. I am familiar with this.

19 Q. Okay. Did you receive this document
20 in July 2019?

21 A. No.

22 Q. You never received this document?

23 A. No.

24 Q. Have you ever seen this document
25 before --

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1 A. Yeah.

2 MR. DEBEER: Sorry. Connie, let him
3 finish his question.

4 THE WITNESS: Okay.

5 Q. (By Mr. Kates) Have you ever seen
6 this document before today?

7 A. Yes.

8 Q. When did you see this document?

9 A. At some point, I had grievanced this,
10 and I was told I won; that it was totally being
11 removed from my record; that I had no
12 implications whatsoever. I never received the
13 notice or the letter in the mail stating that I
14 was cleared from this.

15 So I went over to check my personnel
16 file and found this in here, and was shocked that
17 I had 24 hours to grievance this and I had never
18 received it.

19 So I called my boss and I said, You
20 need to clear this up, or I'm not coming back to
21 work for you. Let me know when you get it
22 cleared up. And we got Kathy Eller involved, who
23 is head of, I guess, grievances and suspensions.
24 And she made some calls and said -- and indeed,
25 that they had removed all of this and I had won

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1 my grievance; that I had no responsibility in
2 this at all.

3 Q. Okay. So you're saying they never
4 sent you this document?

5 A. No.

6 Q. You didn't find it until you went to
7 your own personnel file?

8 A. Yeah. Something -- I was, like, I
9 should have received this by now. I should have
10 gotten that letter.

11 Q. Okay. So going back to Exhibit 45,
12 did you first discover this exhibit, this
13 document, when you went to your personnel file?

14 A. No. They did give me this one.

15 Q. Okay. So you received Exhibit 45?

16 A. Yes.

17 Q. And then filed a grievance?

18 A. Correct.

19 Q. Okay. I hand you Exhibit 47.

20 (Whereupon the Reporter marked
21 Plaintiff's Exhibit 47 for identification as
22 requested.)

23 Q. (By Mr. Kates) Let me know when you
24 had a chance to look that over to get familiar
25 with it.

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1 MR. DEBEER: This is 46, you said?

2 MR. KATES: 47.

3 MS. ROBERTSON: Can we take a
4 five-minute break?

5 MR. KATES: Sure.

6 MR. PLEBAN: Sure.

7 (Whereupon a short recess was taken
8 at 3:25 p.m. and resumed at 3:33 p.m.)

9 MR. KATES: We're back on the record.

10 Q. (By Mr. Kates) Ms. --

11 A. Heitman.

12 Q. Sorry. I was going to call you
13 Ms. Duwe, but I knew that was not right.

14 Ms. Heitman, you've had an
15 opportunity to look at Exhibit 47, right?

16 A. Yes.

17 Q. Is that the grievance you filed in
18 response to your suspension?

19 A. Yes.

20 Q. And did you prepare that?

21 A. I did.

22 Q. Okay. So let's look at the -- the
23 page that contains the -- the statement. It's
24 the second page of Exhibit 47. I'm going to go
25 down about three-quarters of the way down. And I

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1 can point you right to it. Right -- I was asked.

2 Okay. So, the sentence reads: I was
3 asked, this is information only, and if someone
4 is going to prison, can they be moved?

5 You wrote that, correct?

6 A. I did.

7 Q. Okay. That's what you were asked,
8 correct?

9 A. That's what I wrote.

10 Q. That's what you were asked?

11 A. I don't remember exactly. But I
12 wrote that, so --

13 Q. Do you remember when you wrote this
14 statement?

15 A. No.

16 Q. Okay.

17 A. I mean, I remember writing it, but I
18 don't remember everything.

19 Q. Okay. So is it possible that you
20 were being dishonest in this document?

21 A. No.

22 Q. Okay. Go back to the first page for
23 me. It's dated July 23rd, 2019, correct?

24 A. Okay. Yes.

25 Q. Would your memory have been better

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1 back in July of 2019 than it is today?

2 A. Possibly.

3 Q. Is it possible that it was worse back
4 then?

5 A. I mean, it was very stressful for me,
6 so it's possible.

7 Q. Okay. So is it likely that it was
8 more -- that you had a better memory back then
9 than you have now?

10 A. I don't know.

11 MR. DEBEER: Objection. Calls for
12 speculation.

13 Q. (By Mr. Kates) All right. So this
14 time was stressful for you, right? You just
15 testified to that, correct?

16 A. It was.

17 Q. Okay. What was stressful about this
18 time?

19 A. Being blamed for something I didn't
20 do.

21 Q. Who blamed you?

22 A. Well, according to this suspension,
23 St. Louis County, Spring Schmidt.

24 Q. Okay. So you filed this grievance in
25 response to your suspension, right?

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1 A. Correct.

2 Q. And you're saying that right now, you
3 don't know if any of the information in this
4 document is accurate?

5 MR. DEBEER: Objection. Misstates
6 prior testimony.

7 A. That's not what I'm saying.

8 Q. (By Mr. Kates) Okay. But you're
9 saying that it's possible that your memory wasn't
10 as good back then as it is now?

11 A. Or both bad.

12 Q. Okay. Is it possible that the stress
13 of the time made you misremember --

14 A. It's possible --

15 Q. -- this situation?

16 A. It's possible.

17 MR. DEBEER: Calls for speculation.

18 Q. (By Mr. Kates) Okay. If you go to
19 the very top of the document, it says the
20 notice -- this is two lines down. The notice of
21 suspension states: Connie Heitman was the charge
22 nurse on June 11th, 2019.

23 Is that what the statement says?

24 A. I was --

25 Q. Is that what the statement says?

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1 A. Yes.

2 MR. DEBEER: Is that what that
3 sentence says, is what he asked.

4 A. That sentence says that, yes.

5 Q. (By Mr. Kates) Okay. Were you the
6 charge nurse on June 11th, 2019?

7 A. I was not charge nurse.

8 Q. Okay. All right. Well, then --
9 okay. So as we sit here today, I want to know
10 what information in this document is not
11 accurate.

12 MR. DEBEER: Objection. Calls for
13 speculation. She's already testified as to her
14 memory then, her memory now. It's already been
15 asked.

16 MR. PLEBAN: No, it hasn't.

17 MR. DEBEER: Yes, it has.

18 MR. PLEBAN: No, it has not.

19 MR. DEBEER: Yes, it has.

20 MR. PLEBAN: This has been
21 ridiculous. This is -- like I'm losing my
22 patience with this while I'm sitting here,
23 because we now have an exhibit that she wrote.
24 And we have testimony in this case that's, I
25 don't know if this is true or other things are

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1 true, and I don't know what part of this is true.
2 I don't think that we've asked any of that.

3 MR. DEBEER: Then that's her answer.
4 You asked her that, and that's her answer.

5 She doesn't recall which parts --
6 whatever is on the record. You've asked it 100
7 different ways. Just like you asked a bunch of
8 questions 100 different ways.

9 MR. PLEBAN: That's easy --

10 MR. DEBEER: And I've given you
11 plenty of slack on it. But here's the thing is,
12 if she says that -- whatever her answer is, is
13 her memory is not good, she doesn't recall
14 something, she doesn't recall. That is her
15 answer.

16 MR. PLEBAN: But I think that --

17 MR. DEBEER: So if you want to go
18 line by line, go line by line.

19 MR. PLEBAN: No, no, no. I think the
20 easier way is what you just said, which hasn't
21 been answered here today, is can you go line by
22 line and tell me what is accurate and what isn't?

23 MR. DEBEER: That's not what he
24 asked. He asked what in there is accurate and
25 what's not. That's not the question he asked.

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1 MR. PLEBAN: Then it's a different
2 way and maybe that's better. Ask it that way,
3 and we'll do it that way.

4 Q. (By Mr. Kates) Is there -- if you go
5 line by line, can you tell me which of these
6 statements are accurate and which are not
7 accurate, in Exhibit 47?

8 MR. DEBEER: And I'll object that it
9 misstates prior testimony that she ever said that
10 anything in there is not accurate. She was
11 strictly testifying to her memory at the time
12 versus her memory now.

13 Q. (By Mr. Kates) Can you tell me of
14 anything?

15 MR. DEBEER: You can answer the
16 question.

17 A. Ask it again.

18 MR. KATES: Can you please repeat the
19 question?

20 (Whereupon the reporter read back the
21 requested portion of testimony.)

22 A. That would require me seeing the
23 future. Why don't we just try.

24 MR. KATES: Can you re-read my
25 question, please?

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1 MR. DEBEER: If you can answer the
2 question, Connie, answer the question. If you
3 don't know, say you don't know.

4 A. I don't know, because we haven't done
5 it yet.

6 Q. (By Mr. Kates) All right.

7 A. Does it make sense? He's asking a
8 future thing.

9 Q. Okay. Let's do that, then. Under
10 step one --

11 MR. PLEBAN: Just have her do it.

12 Q. (By Mr. Kates) All right. Can you
13 read that first line for me and tell me if that's
14 accurate or not?

15 A. The notice of suspension contains
16 inaccurate and libelous information.

17 Q. Is that an accurate statement?

18 A. That's very accurate.

19 Q. Okay. Go ahead.

20 A. The notice of suspension states that
21 Connie Heitman was a charge nurse for June 11th,
22 2019.

23 Q. Is that an accurate statement?

24 A. No. The notice of suspension states,
25 yes. I was not the charge nurse, though. I'm

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1 trying to figure out which question you were
2 asking.

3 Q. Okay. It will be faster if we do it
4 this way. Read these to yourself and tell me
5 which ones of these lines are accurate and which
6 ones are not accurate?

7 MR. DEBEER: We're not going to do
8 that. We just went over this. We're not going
9 to do that.

10 MR. PLEBAN: Then tell her not to
11 answer, this is ridiculous.

12 MR. DEBEER: No, no. The answer is
13 she doesn't remember. So if the answer is I
14 don't remember -- you know, you can go through,
15 was your memory better closer to the event? Was
16 it better now? She's already answered those
17 questions.

18 If she doesn't know, she doesn't
19 know. We're not going to go line by line. She's
20 already said she can't definitively say whether
21 certain sentences are accurate or not accurate.
22 You're making it black and white. That's not her
23 answer.

24 MR. PLEBAN: Is that her -- I don't
25 remember her saying that. If that's her

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1 testimony, then have her put on the record
2 that --

3 MR. DEBEER: It's on the record.

4 MR. KATES: No, she didn't because --

5 MR. DEBEER: Yes.

6 MR. PLEBAN: Greg, we asked the
7 question that you told us to ask. Which of these
8 are accurate and which are inaccurate, and her
9 answer was, I can't read the future.

10 All I want to know -- and I apologize
11 that I'm getting frustrated with this, but this
12 is one of the most frustrating things that I've
13 been through, is what -- I want to be at trial
14 and know which one of these sentences are real
15 and which one of these are hogwash, and we
16 haven't done that.

17 The questions that were asked were,
18 was your memory better then or now? That has
19 nothing to do with which stuff in here is real
20 and which is fake.

21 MR. DEBEER: So you did ask that
22 question. You asked it about the specific line.
23 You had her go down to the line, and you said, is
24 this an accurate statement? Do you remember
25 writing it. She goes, I don't know. I don't

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1 know is her answer.

2 MR. KATES: Do we have to ask if
3 she -- if looking at any of these, if she recalls
4 any of these statements are accurate or not? If
5 your memory is accurate or not?

6 MR. DEBEER: If you want to phrase
7 the question as, if she reads that whole thing
8 and as she sits here today, she can 100 percent,
9 crystal-clear tell you that she wrote that at
10 that time, then fine, you can have her do that.

11 Q. (By Mr. Kates) I want to know if
12 looking at all of these -- all of these sentences
13 in here, if you can look at them now and tell me
14 any one of them that you, sitting here today,
15 know is not accurate.

16 MR. DEBEER: Are we on the record?

17 COURT REPORTER: Yeah.

18 MR. DEBEER: Okay. Do you understand
19 that question?

20 A. Is the content accurate, or did I
21 write them?

22 MR. PLEBAN: Both.

23 MR. KATES: Both.

24 MR. DEBEER: He's asking if you read
25 every single --

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1 MR. KATES: Go ahead.

2 MR. DEBEER: I'm not trying to step
3 on your toes.

4 He's asking if you read every single
5 sentence in this document, if you could
6 definitively say to them, this sentence I wrote
7 is not correct, if you went through every one.

8 A. There may be one or two that maybe
9 not, that are iffy, because maybe my memory
10 was -- I was stressed in my memory. But I did
11 write this, if that's what you want.

12 Q. (By Mr. Kates) You've had an
13 opportunity to read this one once before.

14 A. I glanced over it, yeah.

15 Q. Okay. Greg's got a document in front
16 of him. I want to go through, and I want you to
17 look at -- you don't have to read them word for
18 word, but I want you to look at the ones that you
19 see and mark the ones that you know, sitting here
20 today, are not accurate.

21 A. That are not accurate.

22 MR. DEBEER: By the way, we're still
23 on the record, correct? That does not -- I had a
24 highlighter -- we're not talking about statements
25 where the answer is I don't know. Because I

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1 don't know is a perfectly acceptable answer.

2 We're talking about statements that you know
3 definitively, as you sit here today, that you
4 somehow know definitively are false. If you
5 could --

6 MR. PLEBAN: Greg, if her
7 testimony -- I agree with you. If her testimony
8 is, if I went through this whole thing, I don't
9 know what is 100 percent definitive accurate and
10 what isn't, that's fine.

11 We don't have that question and
12 answer. If that's the answer, I agree with you,
13 that's the answer.

14 MR. DEBEER: Just get it. I mean,
15 here's a way to do it. She has already admitted
16 to writing it. If you want to ask her if she
17 wrote that based upon her memory at that time.
18 She already testified to her memory. If you want
19 to write her, did she write that based upon her
20 memory at the time, that's a perfectly acceptable
21 question.

22 A. And I did.

23 MR. PLEBAN: But she said --

24 MR. DEBEER: And that -- she's
25 admitted to writing it. It's -- if you want to

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1 go back now and say -- see, what you're doing is
2 you're trying to have her go back and, like,
3 reverify something she wrote, whatever it is,
4 over two years ago.

5 Just verify that she wrote it at the
6 time, and it was based upon her recollection at
7 the time.

8 MR. PLEBAN: But she didn't say that.
9 What she said is something to the effect that I
10 was stressed at the time and my memory might
11 not -- there might be a couple sentences in there
12 that aren't accurate.

13 I mean, if the testimony -- clearly
14 she wrote it. She said that, right? These are
15 her words, but what she's saying is, the words
16 that I put on this paper may not be accurate.
17 And there's no way for us to tell which ones are
18 accurate and which ones are inaccurate.

19 MR. DEBEER: Okay.

20 MR. PLEBAN: And if that's the
21 testimony --

22 MR. DEBEER: Yeah, all right. So
23 here's what we will do. We will do that, we'll
24 have Connie read the whole thing.

25 And, Connie, if there is any

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1 sentences in that that you believe are not true,
2 or not truthful, then highlight those --

3 MR. PLEBAN: Accurate.

4 A. There's none that I believe are not
5 truthful. Does that help you?

6 Q. (By Mr. Kates) Say that again so
7 it's clear.

8 MR. PLEBAN: Hold on, hold on, hold
9 on, okay? This is going to be jumbled. You ask
10 that question of, you know, you've looked at
11 this, and are there anything that's not truthful?
12 Then she can answer and we'll have a clean
13 record.

14 MR. DEBEER: That's fine.

15 Q. (By Mr. Kates) Janet --

16 A. Connie.

17 Q. Connie, excuse me.

18 Connie, as you look at Exhibit 47,
19 going through that document, the statement that
20 you wrote, are you able to look at that statement
21 and see if any of the statements within it are
22 accurate or not accurate, based on your
23 recollection --

24 A. I don't --

Q. Sorry. Based on your recollection as

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1 we sit here today?

2 A. I would say that I don't see anything
3 that's not accurate. Does that help you? Is
4 that --

5 MR. DEBEER: Yeah. That's fine.

6 We're done with that topic.

7 A. Okay. Okay.

8 Q. (By Mr. Kates) One more, just so I
9 have it --

10 A. I think it was semantics.

11 Q. One more just so I have it. I'm
12 going to look at Exhibit 48.

13 (Whereupon the Reporter marked
14 Plaintiff's Exhibit 48 for identification as
15 requested.)

16 Q. (By Mr. Kates) Have you ever seen
17 Exhibit 48 before today?

18 MR. DEBEER: Take your time to read
19 it.

20 A. I think I may have seen this one
21 before.

22 Q. (By Mr. Kates) Do you have any
23 recollection as to when you saw that?

24 A. I don't know, because I don't think
25 it came to me right away.

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1 Q. Okay. The letter states that your
2 suspension dated July 15th, 2019, was withdrawn
3 on Wednesday, July 24th, 2019, right?

4 A. Correct.

5 Q. Okay. Did you have any -- strike
6 that.

7 Did you ever have any conversations
8 with either Spring Schmidt or Emily Doucette
9 threatening to file a lawsuit over Mr. Stout's
10 death?

11 A. I may have, because I was mad at
12 this.

13 Q. Okay. Did you --

14 A. Because it was libel, clear and --
15 but I don't know that I talked to Spring
16 Schmidt -- I don't know that I directly talked to
17 her at all.

18 Q. Do you know if you talked to either
19 of them before you submitted your appeal?

20 MR. DEBEER: Objection. Vague. What
21 do you mean talked to them? Are you talking
22 about, talked to them about filing a lawsuit?

23 MR. KATES: Yeah.

24 MR. DEBEER: Her filing? Sorry.
25 Just re-ask it, yeah, for the record.

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1 Q. (By Mr. Kates) Did you ever discuss
2 filing a lawsuit against the County with Emily
3 Doucette or Spring Schmidt prior to filing your
4 grievance?

5 A. I don't -- no, I don't think so.

6 Q. Okay. Was the answer I don't know,
7 or --

8 A. No, I don't believe that that's the
9 case.

10 Q. Okay.

11 A. From my recollection.

12 Q. Okay. Going back to the phone call.
13 You never got on the phone, right?

14 A. Correct.

15 Q. Okay. You never went up to see any
16 inmates following the phone -- strike that.

17 You never went up to see Daniel Stout
18 following the phone call, did you?

19 A. I was never informed -- I didn't even
20 know of his existence there.

21 Q. But you never went up to see Daniel
22 Stout following the phone call, did you?

23 A. That's correct.

24 Q. Okay. You never took his vitals,
25 correct?

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1 A. I didn't know he existed in the
2 building, so I couldn't have taken his vitals.

3 MR. DEBEER: Connie, just focus on
4 the question, okay?

5 A. No. Yeah.

6 MR. PLEBAN: Re-ask it.

7 Q. (By Mr. Kates) You never took his
8 vitals, did you?

9 A. That's correct.

10 Q. You never listened for bowel sounds,
11 did you?

12 A. That's correct.

13 Q. You never palpated his stomach,
14 correct?

15 A. That's correct.

16 Q. You never looked to see if it was
17 guard -- you never performed any -- any test to
18 determine whether there was guarding?

19 A. That's correct.

20 Q. You never performed any test to
21 determine if there was any rebound?

22 A. That's correct.

23 Q. You never determined whether he was
24 in pain?

25 A. That's correct.

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1 Q. You never made any phone calls to
2 transportation staging area about any sick
3 inmates, did you?

4 A. That is correct.

5 Q. You never saw him while he was in
6 transportation staging, did you?

7 A. No.

8 Q. Okay. Do you ever look at MDC
9 transfer lists?

10 A. Then or now?

11 Q. Then.

12 A. So if I were working -- like there
13 was a time when I used to work med room on a
14 different shift. We would pull meds and get them
15 ready. Or we would be advised in the med room of
16 who was going to prison. But working at intake
17 on nightshift at that particular time, no.

18 Q. What is a medical transfer sheet?

19 A. Medical transfer sheet is a paper
20 where they write down the patient's name, date of
21 birth, medications, and problems. And it goes to
22 the next facility as a communication tool for
23 care.

24 Q. You didn't complete any medical
25 transfer sheets on June 11, 2019, as it relates

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1 to Mr. Stout, did you?

2 A. I don't believe I did, no. I think
3 the medical assistants were doing those.

4 Q. Did you ever -- ever have regular
5 meetings between corrections medicine and the
6 director of justice services in 2019?

7 A. Regular meetings?

8 Q. Did you ever have any meetings?

9 A. Regular meetings, like -- I -- no,
10 not that I -- not that I know of.

11 Q. Okay. Okay.

12 Okay. I'm going to play for
13 you Exhibit 49.

14 (Whereupon an off-the-record
15 discussion was held.)

16 MR. KATES: I'm playing an audio for
17 you that's going to be marked as Exhibit 49. I
18 want you to take a listen to this and tell me if
19 this is your voice on the recording.

20 (Audio recording playing.)

21 (Whereupon the Reporter marked
22 Plaintiff's Exhibit 49 for identification as
23 requested.)

24 Q. (By Mr. Kates) You heard the
25 recording that's been marked as Exhibit 49. Is

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1 that your voice on the call?

2 A. Yes, I believe it to be.

3 MR. KATES: Okay. Can we play just
4 the beginning of this one?

5 MR. DEBEER: Yes, absolutely, please.

6 MR. PLEBAN: Is that a stipulation
7 that that's for the entire recording from you?

8 MR. DEBEER: I just want to hear the
9 second part of it, but yeah, yeah. Absolutely.

10 Q. (By Mr. Kates) Okay. I'm about to
11 play for you a recording that I'm going to mark
12 as Exhibit 50, okay? And I want you to listen to
13 it.

14 (Audio recording playing.)

15 (Whereupon the Reporter marked
16 Plaintiff's Exhibit 50 for identification as
17 requested.)

18 Q. (By Mr. Kates) You heard that
19 recording?

20 MR. DEBEER: Yeah.

21 A. Yeah.

22 Q. (By Mr. Kates) And as you sit here
23 today, you're able to confirm that that's your
24 voice on the recording?

25 A. Yeah.

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1 MR. DEBEER: We'll stipulate to the
2 rest.

3 MR. PLEBAN: For the rest of the
4 recording?

5 MR. DEBEER: Yes.

6 MR. KATES: I've got nothing else.
7 Oh, okay, real quick.

8 Q. (By Mr. Kates) Real quick. I was
9 asking you following the phone call. As of where
10 the intake section is, where you were the night
11 of the phone call, how long does it take for you
12 to get from there to the sally port on the fifth
13 floor?

14 A. Variable, depending on -- because
15 there's locked doors. So you have to wait for
16 them to open.

17 Q. Okay. With all of that accounted
18 for, how long might it take, on average?

19 A. Three to five minutes, maybe.

20 Q. Okay. And how long does an abdominal
21 pain -- or excuse me, how long does an abdominal
22 assessment take?

23 A. As long as it takes. Some people are
24 very quick. Some people have more history, you
25 know.

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1 Q. What's the typical assessment take?

2 A. Maybe ten minutes or less --

3 MR. KATES: Okay. I have no other
4 questions.

5 A. -- or even that.

6 MR. BANKS: I have no questions.

7 MS. ROBERTSON: Just a couple. I'll
8 be super fast.

9

10 CROSS-EXAMINATION

11 BY MS. ROBERTSON:

12 Q. Ms. Heitman, my name is Kate
13 Robertson. I represent some of the defendants in
14 this case.

15 A. Uh-huh.

16 Q. Do you understand the purpose of a
17 deposition?

18 A. Yes.

19 Q. Okay. And so I don't get a chance to
20 talk to you any other time, so this is my
21 opportunity to try to find out what you know or
22 don't know; is that fair?

23 A. That's fair.

24 Q. Okay. And you understand that?

25 A. Yeah.

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1 Q. Okay. So I'm just going to ask you a
2 couple questions. I believe Mr. Kates asked you
3 a question, and your answer was something to the
4 effect of, well, the next day I learned what
5 Janet was asking. And this was in reference to
6 this June 11th phone call that Janet received --

7 A. Uh-huh.

8 Q. -- and that you kind of talked to her
9 back and forth about.

10 What is it that you -- when you said
11 the next day I learned what she was asking, what
12 is it that you learned?

13 A. Jeanie Stevens was asking --

14 COURT REPORTER: I'm sorry, who?

15 A. Jeanie Stevens, I think, was saying
16 there was an inmate death that didn't dye where
17 we were at, but died when he went to prison. And
18 I think she was just saying, you know, did you
19 have any care with that? Were you involved with
20 that?

21 Q. (By Ms. Robertson) Okay. I could be
22 wrong. I thought you told Mr. Kates the next day
23 you learned what Janet Duwe was asking. So did
24 you have a different --

25 A. Well, I mean, I guess --

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1 Q. Wait.

2 MR. DEBEER: Let her finish the
3 question.

4 A. Okay.

5 Q. (By Ms. Robertson) I'm sorry, I
6 don't mean to be rude. And this lady right here
7 is taking down everything that we're saying, and
8 so if we talk over each other, she can't do her
9 job. And so I apologize.

10 A. Okay.

11 Q. Let me ask my question a different
12 way.

13 A. Okay.

14 Q. The next day, so June 12th, 2019, did
15 you have any additional information -- or strike
16 that.

17 Did you have a different
18 understanding of what Janet Duwe was asking you
19 on June 11th?

20 A. I think the ramifications of what
21 happened, but not -- I mean, she asked particular
22 questions and I answered particular questions.
23 But I think that there was an inmate death after
24 he went to prison. And maybe that was what the
25 call was about, maybe was generally, but not that

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1 there was a particular -- about any particular
2 person.

3 I mean, I still -- at that particular
4 time that I had -- was talking to Janet, there
5 was nothing about a particular person or a sick
6 call request or anything like that.

7 I think it was after the fact I went,
8 you know, are they related?

9 Q. Okay. So you -- you deduced on your
10 own there might be some correlation between the
11 call Janet received and Mr. Stout's death?

12 MR. DEBEER: I'm going to object to
13 lack of foundation. Calls for speculation.

14 Q. (By Ms. Robertson) You can still
15 answer my question.

16 MS. ROBERTSON: Would you read it
17 back?

18 (Whereupon the reporter read back the
19 requested portion of testimony.)

20 A. Possibly, yes. Just that there --
21 that I was starting to get questions about
22 something, you know, did something -- did you
23 take care of this person? You know, what
24 happened? That maybe something happened.

25 Q. (By Ms. Robertson) Did anyone -- did

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1 anything or anyone else -- well, strike that.
2 Did you have -- did anything -- did
3 you learn anything additional from Ms. Duwe on --
4 after June 11th?

5 A. I don't believe so.

6 Q. Okay. Ms. Duwe specifically told
7 you -- did she use the word -- did she use the
8 words the call is informational only?

9 A. Yes.

10 Q. Okay. Have you personally ever
11 received calls from corrections officers where
12 corrections officers begin the call with the
13 words, "this is for information only"?

14 A. Not those exact words, but they may
15 say, I just need to know, or something to that
16 effect. Or can this happen? What does this
17 mean?

18 Q. When Janet Duwe took this call on
19 June 11th of 2019, can you tell me all the
20 reasons you believed this didn't involve a
21 particular person?

22 A. I think -- I think I asked if this
23 was a sick call. And she said, no, this is for
24 informational only.

25 Q. And any other reasons?

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1 And if you don't have any --

2 A. Not that I can think of right now. I
3 mean --

4 Q. Okay. And if you think of any, will
5 you let your lawyer know?

6 A. Okay.

7 Q. When was the last time you spoke to
8 Janet Duwe?

9 A. Probably -- we did depositions for
10 Shy, and on the same day we passed each other.
11 And we said hi to each other, and how are you
12 doing? How's the family?

13 Q. Okay. Anything beyond that?

14 A. No.

15 Q. How would you characterize your
16 relationship with Janet Duwe?

17 A. Very pleasant.

18 Q. Are you friends?

19 A. We don't go out and do things
20 together. We don't call each other all the time
21 but, you know, when we worked together, we got
22 along and --

23 Q. Do you call each other sometimes?

24 A. No, not -- not recently. I called
25 her after she left just to see how she was doing,

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1 to make sure she was okay.

2 Q. Do you still have in front of you a
3 copy of Exhibit 47?

4 A. Okay.

5 MR. DEBEER: Is that a yes?

6 A. Yes. Sorry.

7 MR. DEBEER: That's okay.

8 Q. (By Ms. Robertson) Just bear with me
9 for a second, because now I've lost the page
10 where I wanted to ask you. Okay.

11 On the third page of the exhibit.

12 A. Page 1, 2, 3.

13 Q. That's correct. So kind of there's a
14 half paragraph that starts the page.

15 A. Okay.

16 Q. The last two sentences of that
17 paragraph say: I did report Janet Duwe was
18 stressed about the training on the intake
19 process. I was also stressed while training
20 Ms. Duwe.

21 Did you two have any arguments on
22 June 10th and 11th, 2019?

23 A. I don't believe so, no. I don't
24 think we've ever had an argument.

25 MS. ROBERTSON: Okay. I don't think

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1 I have any other questions. Thank you.

2 MR. KATES: No more from us.

3 THE WITNESS: Okay.

4 MR. DEBEER: We'll waive.

5 (Deposition concluded at 4:08 p.m.)

6 (Whereupon signature was waived and
7 the witness was excused.)

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2

REPORTER CERTIFICATE

3

4

I, DEBRA S. KAESBERG, Certified Shorthand Reporter, do hereby certify that there came before me at the law offices of Pleban & Petruska Law, LLC, 2010 South Big Bend Boulevard, St. Louis, Missouri.

5

6

CONNIE HEITMAN, RN,

7

who was by me first duly sworn; that the witness was carefully examined, that said examination was reported by myself; translated and proofread using computer-aided transcription, and the above transcript of proceedings is a true and accurate transcript of my notes as taken at the time of the examination of this witness.

8

9

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this examination is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

10

11

Dated this 24th day of July, 2021.

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Debra S. Kaesberg

DEBRA S. KAESBERG, CSR, CCR, R

